IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4765 OF 2005

Smt.Radhabai Ganpat Gavand & Ors. ...Applicants
vs.
State of Maharashtra ...Respondent

Mr.R.R.Salvi for the Applicants
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 10,2005

P.C.:

1. Heard learned Advocate for the Applicants and learned A.P.P. for State. The application for anticipatory bail is made by the 11 applicants who are women. They are seeking anticipatory bail in the event of their arrest in offence registered bearing C.R.No.74 of 2005 with Pen Police Station under sections 147,148,149,436, 324 of the Indian Penal Code.

2. The learned Advocate for the Applicants submitted that there are cross complaints registered by the two groups. He pointed out that no specific role is ascribed to the Applicants who are women. He submitted that number of accused in the case have been released on bail. He submitted that a large number of accused have been enlarged on regular bail. The learned A.P.P. has produced on record a chart showing the role played by the Applicants. The main allegation against the Applicants seems to be pelting of stones. The allegation against three of the Applicants is regarding assault by fists

blows. It is not the case that anyone has suffered any injury due to assault allegedly made by the Applicants. The incident seems to have been taken place as a result of the fight between the two groups. The allegation of commission of offence is against a large group consisting 48 persons. The Applicants were present at the time of incident and alleged to have taken part in pelting stones. The Sessions Court has already enlarged 11 accused on bail and by a separate order passed today I have enlarged 10 accused on bail. Considering the fact that the incident has taken place due to fight between the two groups, and considering the fact that the Applicants are women against whom there are no serious allegations, the Applicants are entitled to relief of anticipatory bail.

3. Hence I pass the following order :

i) In the event of the arrest of the Applicants in connection with C.R.No.74 of 2005 registered with Pen Police Station, District Raigad, Alibag the Applicants shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.5000/-(Rupees five thousand) each with one surety in the like amount.

ii) The Bail is granted subject to condition that the Applicants will attend the concerned Police Station as and

when called upon to do so till filing of the charge sheet and will cooperate for the purposes of investigation.

iii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the Police Officer/investigating agency. The Applicants shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) This order will enure to the benefit of the Applicants only till charge sheet is filed. Thereafter, they will be free to apply to the appropriate Court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE